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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,

Case No. CR05-234-RSL

12 v.

13 RODGER JEROME NELSON,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16 **INTRODUCTION**

17 I conducted a hearing on alleged violations of supervised release in this case on March 13,
18 2012. The defendant appeared pursuant to a warrant issued in this case. The United States was
19 represented by Steven Masada, and defendant was represented by Lee Covell. Also present was
20 Senior U.S. Probation Officer Felix Cavillo. The proceedings were digitally recorded.

21 **SENTENCE AND PRIOR ACTION**

22 Defendant was sentenced on October 28, 2005, by the Honorable Robert S. Lasnik for
23 Conspiracy to Commit Bank Fraud, Mail Fraud, Related Activity in Connection with Access
Devices (Counts. 1, 6), and Aggravated Identity Theft (Count. 4). He received 37 months of
detention concurrent for Counts 1 and 6, plus 24 months consecutive for Count 4, and 5 years of
supervised release.

1 On August 24, 2011, a report requesting modification of the terms of supervision was
2 submitted informing the Court that Mr. Nelson had relapsed to methamphetamine and marijuana
3 use. He agreed to waive his right to a hearing and participate in a residential reentry center
4 program. Mr. Nelson entered an inpatient treatment program on September 29, 2011,
5 subsequently entered the residential reentry center on November 3, 2011, and was released on
6 December 16, 2011.

7 PRESENTLY ALLEGED VIOLATIONS

8 In a petition dated March 7, 2012, Senior U.S. Probation Officer Felix Calvillo alleged that
9 defendant violated the following conditions of supervised release:

- 10 1. Using methamphetamine on or about January 25, February 2, February 16, February
11 21, and February 23, 2012, in violation of standard condition 7.
- 12 2. Using marijuana on or about February 16, February 21, and February 23, 2012 in
13 violation of standard condition 7.
- 14 3. Failing to report for drug treatment as instructed on or about March 1, 2012, in
15 violation of special condition number 5.

16 FINDINGS FOLLOWING EVIDENTIARY HEARING

17 Defendant admitted the above violations, waived any hearing as to whether they occurred,
18 and was informed the matter would be set for a disposition hearing on March 29, 2012 at 10:30
19 a.m. before District Judge Robert S. Lasnik.

20 RECOMMENDED FINDINGS AND CONCLUSIONS

21 Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 13th day of March, 2012.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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